

Message Text

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ACTION NEA-09

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-01 INR-07 L-02

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 SSC-01

AGR-05 SY-05 OMB-01 /065 W
----- 007011

R 040510Z MAR 75

FM AMEMBASSY KATHMANDU

TO SECSTATE WASHDC 0999

INFO AMCONSUL CALCUTTA

AMEMBASSY NEW DELHI

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E.O. 11652: N/A

TAGS: PGOV, PINR, NP

SUBJ: FORMER AGRICULTURE SECRETARY RELEASED FROM DETENTION

REF: KATHMANDU 3882, SEPTEMBER 11, 1973

1. SURENDRA RAJ SHARMA, FORMER FOOD, AGRICULTURE, AND IRRIGATION SECRETARY, WAS RELEASED FROM DETENTION BY THE BAGMATI SPECIAL COURT ON FEBRUARY 21. SHARMA HAD BEEN ARRESTED BY SPECIAL POLICE ON CHARGE OF CORRUPTION SEPTEMBER 2, 1973, AND HAD BEEN HELD UNDER DETENTION SINCE THAT TIME. HE HAS NOW BEEN RELEASED ON BASIS OF A ROYAL ORDER, GRANTED DURING KING BIRENDRA'S CORONATION, AND BACKED BY "PERSONAL SURETY" PROVIDED BY HIS BROTHER, NIDHENDRA RAJ SHARMA, AN ACTING JOINT SECRETARY IN THE MINISTRY OF INDUSTRY AND COMMERCE.

2. SHARMA HAD BEEN ARRESTED ON CHARGES OF "IMPROPER ACTION REGARDING PERMISSION GIVEN TO EXPORT FOODGRAINS." THE ALLEGED ACTIONS, ACCORDING TO GON CHARGES, ENABLED PRIVATE TRADERS TO MAKE PROFITS AMOUNTING TO RS. 41.4 MILLION. FOLLOWING HIS ARREST, GON DISQUALIFIED SHARMA FROM FUTURE GOVERNMENT SERVICE, STRIPPED HIM OF HIS PENSION RIGHTS,
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AND APPROPRIATED MUCH OF HIS PERSONAL PROPERTY.

3. COMMENT: TO THE EMBASSY'S KNOWLEDGE, THE CHARGES AGAINST SHARMA HAVE NOT YET BEEN PROVEN. AT THE TIME OF HIS RELEASE, COURT ACTION AGAINST HIM WAS YET TO BE COMPLETED, AS HIS APPEAL TO SUPREME COURT WAS STILL IN PROCESS. WHILE SHARMA IS NO LONGER UNDER DETENTION, THERE IS NO INFORMATION TO INDICATE THAT CHARGES AGAINST HIM HAVE BEEN DROPPED, AND WE PRESUME THAT COURT PROCEEDINGS WILL ULTIMATELY BE RESUMED. ORIGINAL RIGOROUS PALACE ACTION AGAINST SHARMA PROBABLY HAD THE EFFECT OF REDUCING CORRUPTION WITHIN THE GOVERNMENT. AT SAME TIME, HOWEVER, IT ALSO INCREASED THE RELUCTANCE OF GON OFFICIALS TO MAKE DECISIONS, IN FEAR THEY MIGHT LATER SUFFER FROM DECISIONS BASED ON GENUINE MISJUDGMENT, AS SHARMA'S DEFENSE HAS BEEN BASED ON POSITION THAT ANY IRREGULARITIES WHICH MAY HAVE TAKEN PLACE RESULTED FROM ERRORS IN JUDGMENT RATHER THAN INTENTIONAL MALFEASANCE. CARGO

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